

REMARKS/ARGUMENTS

Applicants have received and carefully reviewed the Office Action of December 23, 2008. In this Office Action, claims 9, 12, 16, 17, and 19-23, have been rejected. In this amendment, claim 9 has been amended, and no new material has been added. Claim 21 has also been amended to formally remove duplicate language as a result of a previous amendment to claim 9, and contains no substantive changes. Favorable consideration of the above amendments and the following comments is respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claims 9, 12, 16, 17, and 19-23 were rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Griffin et al. (U.S. Publication No. 2003/0125751) in view of Muni et al. (U.S. Patent No. 5,316,706). Applicants respectfully traverse this rejection.

*** “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).” (MPEP 2143.03).

The Examiner asserts that Griffin et al. disclose the claimed invention except for the tip comprises an amorphous polymer or that the radially inextensible distal portion comprises a locally crystalline section thereof. The Examiner asserts that Muni et al. provide these missing elements. The Examiner also suggested adding more structural language concerning the tip. While Applicants respectfully disagree with the Examiner’s assertions regarding Muni et al. as supporting the Examiner’s rejection under 35 U.S.C. §103(a), Applicants have amended independent claim 9 to include additional structural language related to the tip.

In view of the current amendment, Applicants respectfully submit that Griffin et al. and Muni et al. (alone or in combination) fail to disclose each element of independent claim 9. Accordingly, Applicants believe independent claim 9 is patentable over the cited references. Similarly, claims 12, 16, 17, and 19-23, which depend from claim 9 and

add additional elements thereto, are also believed to be patentable over Griffin et al. and Muni et al. Applicants respectfully request that the Examiner withdraw the rejection.

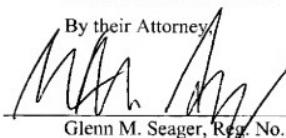
Conclusion

Reexamination and reconsideration are respectfully requested. It is submitted that all pending claims are currently in condition for allowance. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at 612.677.9050.

Respectfully submitted,
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By their Attorney

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